

ORDINANCE NO. 83
AN ORDINANCE IMPOSING A COUNTY GROSS RECEIPTS TAX AND A USE TAX FOR
CODINGTON COUNTY, SOUTH DAKOTA.

BE IT ORDAINED BY CODINGTON COUNTY, SOUTH DAKOTA.

Section 1. PURPOSE. The purpose of this ordinance is to provide needed revenue while reducing the burden of property tax for Codington County, South Dakota, by imposing a county gross receipts tax pursuant to the powers granted to the county by the State of South Dakota, by SDCL 10-52B entitled County Option Retail Sales and Service Tax for Property Tax Reduction, and acts amendatory thereto. The purpose of the county gross receipts tax is to provide property tax relief on the county property tax levy for all property classified as owner-occupied. All monies collected by the county from the gross receipts tax must be deposited into a property tax reduction fund, which is hereby created and shall be administered in accordance with SDCL 10-52B.

Section 2. EFFECTIVE DATE AND ENACTMENT OF TAX. From and after the first day of January 2027, there is hereby imposed as a county gross receipts tax upon the privilege of engaging in business a tax measured by one-half percent (0.5%) on the gross receipts of all persons engaged in business within the jurisdiction of Codington County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto.

Section 3. USE TAX. In addition, there is hereby imposed a gross receipts tax on the privilege of use, storage and consumption within the jurisdiction of the county of items purchased from and after the first of January 2027, at the same rate as the county gross receipt tax upon all transactions of use, storage and consumption which are subject to the South Dakota Use Tax, SDCL 10-46, and acts amendatory thereto.

Section 4. COLLECTION. Such tax is levied pursuant to authorization granted by SDCL 10-52B and acts amendatory thereto, and shall be collected by the South Dakota Department of Revenue in accordance with the same rules and regulations applicable to the State Sales Tax and under such additional rules and regulations as the Secretary of Revenue of the State of South Dakota shall lawfully prescribe.

Section 5. INTERPRETATION. It is declared to be the intention of this ordinance and the taxes levied hereunder that the same shall be interpreted and construed in the same manner as all sections of the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto and the South Dakota Use Tax, SDCL 10-46 and acts amendatory hereto, and that this shall be considered a similar tax except for the rate thereof to that tax.

Section 6. PENALTY. Any person failing or refusing to make reports or payments prescribed by this ordinance and the rules and regulations relating to the ascertainment and collection of the tax herein levied shall be subject to all such collection remedies authorized by SDCL 10-45, and acts amendatory thereto, and SDCL 10-46, and acts amendatory thereto, are hereby authorized for the collection of these taxes by the Department of Revenue.

Section 7. SEPARABILITY. If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid the constitutionality of the remainder of the ordinance and applicability thereof to other persons or circumstances shall not be affected thereby.

Dated this _____ day of, 20__.

County Commissioner

First Reading July 7th, 2026

Second Reading and Adoption July __, 2026

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ATTEST